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On November 21, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: 

Lois E. Simón

PATENT

Docket No.: 018062-006310US

Client Ref. No.: SF02-032-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GUY et al.

Application No.: 10/826,175

Filed: April 15, 2004

For: SMALL MOLECULE INHIBITION OF
A PDZ-DOMAIN INTERACTION

Examiner: Michael F. Barker

Art Unit: 1626

ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Requirement for Restriction mailed October 14, 2005, Applicants hereby elect to prosecute the claims of Group I, with traverse.

Applicants respectfully traverse the Requirement for Restriction as between Groups I and II.

Restriction between compounds of Groups I and II is said to be required inasmuch as the compounds are said to lack a common core. However, this is not the case.

The compounds of the claims encompassed within these two groups all have a nine-member fused-ring core containing a nitrogen atom (both compounds have

this atom at the same position). There is a difference in the pattern of substituents in the two formulas which made it appropriate to draw the formulas slightly differently, in that in formula I the carbon atom is indicated as X_1 and may have various substituents whereas in formula II that same atom is substituted by Z-OH.

Applicants submit that the compounds have a common core structure and that such structure can be searched by the examiner in a single search, especially as the compounds are indicated as being classified in the same class and subclass.

Applicants therefore request reconsideration of the Requirement for restriction between compounds of Formulas I and II, and examination of all compound claims together.

To expedite examination, and **solely** for the purpose of initiating examination, Applicants **provisionally** elect to prosecute claims directed to Compound 12 of Table 1, namely the compound of Formula (I) in which R_0 is methyl, R_1 is phenethyl, R_2 is *n*-butyl, Y is COOH and *n* is zero. Claims readable on this compound are claims 1, 2, 4, 5, 6, 7, 10, 11, 16, 27 and 28. However, once claims are found allowable based on this compound, Applicants expect that other types of compounds will be examined that are within the scope of this Markush claim as required by MPEP 803.02.

Respectfully submitted,

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